

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE APPLICATION
FOR A DENTIST LICENSE OF

NOTICE OF DENIAL
OF APPLICATION

DALE D. SHAHAN,
APPLICANT.

TO: Dale D. Shahan
348-C Paseo Cerro
Green Valley, AZ 85614

PLEASE TAKE NOTICE that the State of Wisconsin Dentistry Examining Board ("Board") reviewed your application for a license to practice as a dentist on March 4, 2009. Your application was denied for the following reasons:

Factual Basis:

On or about September 29, 2008, you filed an application for a license, by endorsement, to practice as a dentist in Wisconsin. In your application, you stated that you practiced as a dentist (oral surgeon) in Chicago, Illinois, 30 hours per week from "6/2000-present". However, at the Board meeting on March 4, 2009, you stated that you had not practiced dentistry since 2006. Based upon the fact that you have not practiced dentistry since 2006, you have not satisfied the "active practice of dentistry" requirement under Wis. Admin. Code, § DE 2.04 (1) (d).

THE LEGAL BASIS FOR THIS DECISION IS:

The applicable statutes and administrative codes are as follows:

Wisconsin Statutes § 447.04 Licensure. (1) Dentists. (b) Except as provided in par. (c), the examining board may grant a license to practice dentistry to an individual who is licensed in good standing to practice dentistry in another state or territory of the United States or in another country if the applicant complies with all of the following requirements:

1. Meets the requirements for licensure established by the examining board by rule.

2. Submits evidence satisfactory to the examining board that the person has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education qualified to provide such instruction. The examining board shall consult with the department of health services to determine whether an individual, organization, or institution of higher education is qualified to provide instruction under this subdivision.

3. Presents the license to the examining board and pays the fee specified under s. 440.05 (2).

DE 1.02 Definitions. As used in rules of the dentistry examining board: **(2)** "Active practice of dentistry" means having engaged in at least 750 hours of the practice of dentistry within the 12-month period preceding application for licensure in Wisconsin in private practice, the armed forces of the United States, the United States public health service, or as a clinical instructor in a school of dentistry accredited by the American dental association, with a current license to practice dentistry in that jurisdiction.

DE 2.04 Endorsement. (1) The board may grant a license as a dentist to an applicant who holds a valid license issued by the proper authorities of any other jurisdiction of the United States or Canada upon payment of the fee authorized by s. 440.05 (2), Stats., and submission of evidence satisfactory to the board that all of the following conditions are met:

(d) The applicant has been engaged in the active practice of dentistry, as defined in s. DE 1.02 (2), in one or more jurisdictions in which the applicant has a current license in good standing, for at least 48 of the 60 months preceding the application for licensure in Wisconsin.

REQUEST FOR HEARING

PLEASE NOTE that you have a right to a hearing on the denial of your application if you file a request for hearing in accordance with the provisions of Ch. RL 1 of the Wisconsin Administrative Code. You may request a hearing within 45 calendar days after the mailing of this notice of denial. Your request must be submitted in writing to the DENTISTRY EXAMINING BOARD at:

Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, Wisconsin 53708-8935

The request must contain your name and address, the type of credential for which you have applied, a specific description of the mistake in fact or law that you assert was made in the denial of your credential, and a concise statement of the essential facts which you intend to prove at the hearing. You will be notified in writing of the Dentistry Examining Board's decision. Under s. RL 1.08 of the Wisconsin Administrative Code, a request for a hearing is denied if a response to a request for a hearing is not issued within 45 days of its receipt by the Dentistry Examining Board. Time periods for a petition for review begin to run 45 days after the Dentistry Examining Board has received a request for a hearing and has not responded.

Dated this 24th day of March, 2009.

Dentistry Examining Board

Lori R. Barbeau
Chairperson